

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Laurence SEBILLOTTE-AMAUD et al : GROUP ART UNIT: 1751

SERIAL NO.: 09/903,785 : EXAMINER: N. Ogden, Jr.

FILED: July 13, 2001 :

FOR: CLEANSING COSMETIC COMPOSITION

DECLARATION 37 C.F.R. §1.132

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Now comes Laurence Sebillotte-Amaud who deposes and says that:

1) I am an inventor of the above-identified application.

2) Since 1989 I have been employed by L'Oreal and am familiar with the present application.

2) In 1989 I graduated from I. P. I. L with a

(degree) DESS Pharmacie Industrielle

3) Since 1989 I have been employed by L'Oreal where I have been engaged as a researcher in the field of Cosmétique.

4) I have read the Official Action dated May 23, 2002 from the U.S. Patent Office and the cited and applied Glenn et al '797 patent, or have an understanding of the subject matter of this patent.

5) That in order to demonstrate that the properties of stability and homogeneity of an embodiment of the present cleansing composition based on an oxyethylenated compound PEG-

120 methylglucose dioleate as the oxyalkenylated compound component of the composition as claimed are superior to the same properties of substantially the same composition but containing the oxypropylenated compound, PPG-14 butyl ether as the oxyalkenylated compound component of the composition, the following comparative evidence has been prepared.

The compositions of Example 2 of the invention and a comparative example, which differs from the composition of Example 2 only by the substitution of PPG-14 butyl ether for PEG-120 methylglucose dioleate, are shown in the following table identified as Annex 1.

ANNEX 1

Composition Ingredients	Example 2 of the present application (103/2)	Comparative example (103/2B)
Lauryl monophosphate (containing 75% monoester) (MAP 20) Alkyl-C9/C11-polyglucoside (1.4) (Mydol 10) Potassium hydroxide PEG-120 methylglucose dioleate (Glucamate DOE-120 Vegetal) PPG-14 butyl ether Hydrophilic Silica (Aerosil 200) Preserving agents Water	6.5 % (in A.M.) 6.5 % (in A.M.) 1.7 % 2 % 5 % qs 100 %	6.5 % (in A.M.) 6.5 % (in A.M.) 1.7 % 2 % 5 % qs 100 %
Appearance of composition obtained	Thick, smooth, shiny and homogeneous gel	Thick, granular, not shiny and heterogeneous gel
Microscopic photographs	Fine gel with only a few agglomerates of silica	Heterogeneous gel with many agglomerates of silica
Appearance after centrifugation at 1000 rev/min for 20 minutes	Good	Not good

6) Annex 2 presents two photographs of a sample of each composition in a vial where

the homogeneity of the composition 103/2 of Example 2 of the invention is evident in comparison to the non-homogenous nature of the comparative composition identified as 103/2B. Microscopic photographs of samples of each composition show the gel composition 103/2 to be smooth and shiny while the gel sample 103/2B of the comparative example to be granular, heterogeneous and lusterless.

Annex 3 presents microphotographs at a magnification of 10. The photograph of a sample of 103/2 shows a fine background structure with only a few agglomerates of silica, while in contrast the photograph of sample 103/2B shows a non-homogeneous, coarse structure with many agglomerates of silica.

7) It is submitted that the results obtained demonstrate that PEG-120 methylglucose dioleate and PPG-14 butyl ether, both oxyalkenylated compounds, nevertheless, in the context of the present invention, exert materially different effects in the formulation of a cleansing formulation. It is clear that PEG-120 methylglucose dioleate, as an oxyethylenated compound, provides a superior cleansing composition with respect to several characteristics in comparison to PPG-14 butyl ether, as an oxypropylenated compound. The results are believed to be of commercial significance.

8) The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

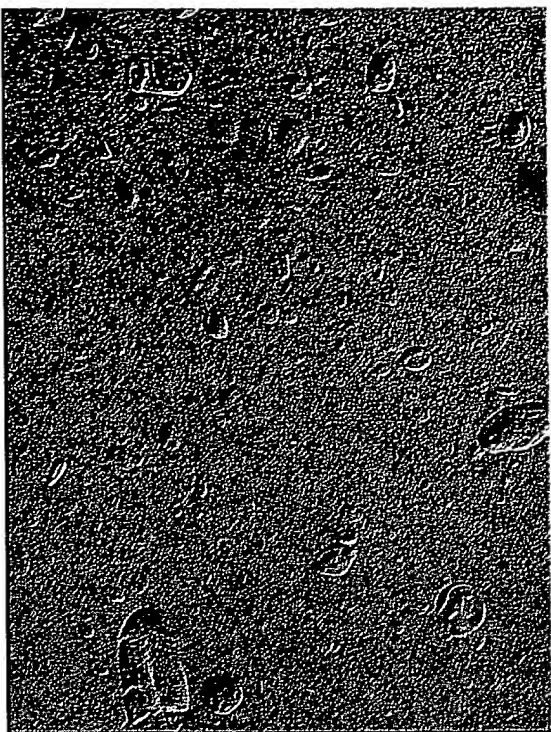
9) Further, deponent saith not.

Date: October 15, 2002

Laurence Sibillotte - Arnaud -

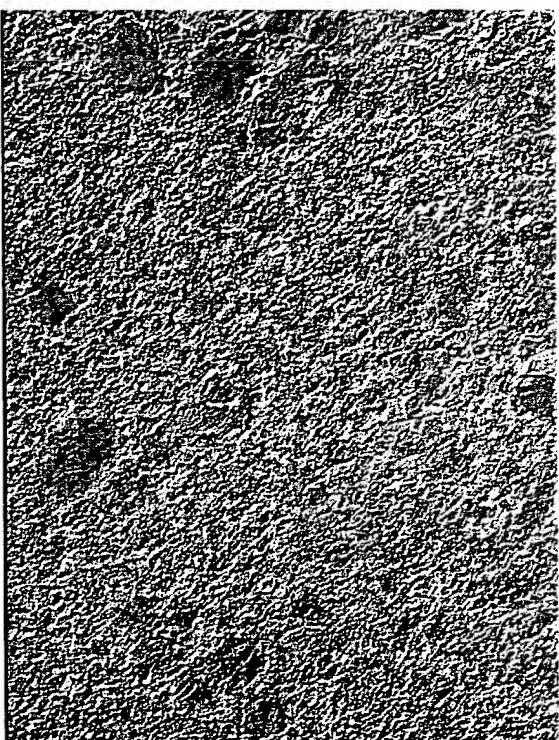
Microscope LEICA HC, contraste de phase

Grossissement x10



Formule type 103/2 du 13/09/02
Fond fin avec peu d'agglomérats de silice
conforme

Photos prises le 18/09/02



Essai comparatif 103/2B du 13/09/02
Le PEG 120 methyl glucose dioleate est
remplacé par le butyl (PPG)14
Fond non homogène avec beaucoup
d'agglomérats de silice.
Ce produit n'est pas conforme.

